



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY **NEWS RELEASE**

Department of Toxic Substances Control

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Department Reaches Settlement Denova Environmental Fined Nearly \$2.5 Million For Violations

Los Angeles- - California Department of Toxic Substances Control (DTSC) Director Ed Lowry today announced a settlement with Denova Environmental, Inc., a hazardous waste facility in Rialto, and the firm's acting President Robert V. Cole, for nearly \$2.5 million in penalties. Under the terms of the settlement, Denova must pay a penalty of \$2,482,064 and Mr. Cole is co-liable for \$600,000 of that amount.

"This settlement and previous actions taken at the facility ensure public safety and protection of the environment through the enforcement of hazardous waste management laws," Lowry said. "When in operation, the facility had a continuing pattern of violations. Although DTSC has already revoked the facility's authorization to operate and has taken steps to ensure the removal of dangerous hazardous and explosive waste from the site, the seriousness of the violations still warrants a substantial penalty to deter such conduct in the future," Lowry added.

Under the terms of the settlement, reached on February 24, 2003, Mr. Cole must pay \$250,000 within 30 days. If Mr. Cole fails to make the \$250,000 payment, he must pay the full \$600,000 amount. If he does make the first payment, DTSC will conduct a financial audit within 90-days to determine Mr. Cole's ability to pay the remaining \$350,000. Denova must pay \$2,482,064 for the company's violations of the State's hazardous waste laws.

The Denova facility, formerly owned and operated by Mr. Cole and Mr. Gene Van Houten, was located at 2510 North Alder Avenue, Rialto. In May 2000 it received authorization from DTSC to store and manage hazardous waste. Prior to that date, Broco Inc. and Broco Environmental Inc. owned the facility.

DTSC's extensive investigations in 2001 and 2002 determined that Denova was storing more than twice the authorized amount of hazardous waste, mixing incompatible hazardous wastes, and managing explosive hazardous waste unsafely. As a result,

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DTSC terminated the facility's authorization and ordered the removal of all hazardous wastes, including explosive wastes. Denova's failure to remove the waste, or manage the site in compliance with the law, resulted in DTSC referring the site to the U.S. EPA for emergency cleanup.

The settlement resolves the violations of hazardous waste management laws outlined in two DTSC orders. The order issued on September 7, 2001, assessed penalties for numerous violations and was issued to Denova, Mr. Cole, and Mr. Van Houten, the former president of Denova. On March 29, 2002, Denova, Mr. Cole, and DTSC resolved all issues cited by DTSC in that order with the exception of the individual liability of Mr. Cole and the amount of penalties assessed against Mr. Cole and Denova. The recent settlement resolves those issues. The July 31, 2002 Order assessed additional penalties for failure to correct the violations cited in the earlier order as well as new violations.

To view copies of the orders, go to www.dtsc.ca.gov or click on http://www.dtsc.ca.gov/HazardousWaste/Denova/Denova_ENF_Revo-Order-Amnd-Enf-Order-ISE.pdf; http://www.dtsc.ca.gov/HazardousWaste/Denova/Denova_ENF_Final-Partial-Stips-Order.pdf and http://www.dtsc.ca.gov/HazardousWaste/Denova/Denova_ENF_ORDER.pdf

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The Department of Toxic Substances Control's mission is to restore, protect, and enhance the environment and ensure public health, environmental quality and economic vitality by regulating hazardous waste, conducting and overseeing cleanups, and developing and promoting pollution prevention.

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"The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at www.dtsc.ca.gov."